IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Mr. JUSTICE B.PRAKASH RAO

WRIT PETITION No. 19724 of 2002

Between:

Dr.Shashi Kiran, W/o.M.Sarabi, aged 50 years,

D.No.16-1-741, C/o.Shashi Hospital, Dilshuknagar,

Hyderabad

..... PETITIONER

AND

1. The State of Andhra Pradesh, represented by its

Secretary, Medical and Health Department,

A.P.Secretariat, Hyderabad

2. The Director of Medical Sciences,

Andhra Pradesh, Hyderabad

3. The Superintendent, Area Hospital,

Janagaon, Warangal District

4. Dr.Polli Reddy, Civil Assistant Surgeon,

Janagaon Area Hospital, Warangal District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction more particularly in the nature of Writ of Mandamus directing the respondents 1 to 3 to take action against the 4th respondent for medical negligence and pass such other order.

Counsel for the Petitioner: MR.A.RAMANARAYANA

Counsel for the Respondents 1 to 3: GP FOR MEDICAL & HEALTH

Counsel for the Respondent No.4: MR.K.L.N.SWAMY

The Court made the following:

ORDER:

Heard both sides.

2. The petitioner, who is a Doctor, filed this Writ Petition, inter alea, seeking for a direction to the respondents 1 to 3 herein to take action against the 1st respondent herein for the medical negligence.

3. The case of the petitioner in brief is that in an accident, which occurred on 17.06.2002, while the petitioner's son was going on a motorcycle from Hyderabad to Janagaon, he sustained injuries along with another person by name Ahsanullah. Both of them were shifted to Janagaon Area Hospital. In spite of the fact that the petitioner's son has received a head injury with a stable blood pressure of 140/100 and was labouring for respiration, no proper attention has been given by the 4th respondent to stabilize the respiratory system and Cardio Vascular system while maintaining blood pressure. As a result of the negligence on the part of the 4th respondent herein, the petitioner's son has suffered severely and thereafter the injured have been shifted in an Ambulance to Hyderabad. Therefore, several serious allegations have been made against the 4th respondent in regard to callous attitude in attending the patients. Having regard to the said allegations, as made in detail, in the affidavit, filed in support of the writ petition, the petitioner seeks appropriate action against the said doctor i.e 4th respondent herein. Hence, the Writ Petition.

4. Though the petitioner has raised several allegations against the 4th

respondent, the 4th respondent has denied the said allegations.

5. Having considered the submissions made across the bar and on perusal of the material available on record, it is seen that in view of the serious allegations made against the 4th respondent about his negligence in attending the patients without proper attention, which is being denied by the 4th respondent herein, it requires enquiry into the facts as alleged, which cannot be done by this Court.

6. In view of the same, it would be suffice in the interests of justice if the 2nd respondent is directed to hold an enquiry against the 4th respondent and take a decision there upon.

7. In the circumstances, the Writ Petition is disposed of, directing the 2nd respondent herein to conduct a detail and comprehensive enquiry by giving due notice and sufficient opportunity to the petitioner and also to the 4th respondent herein and as well as to all the other concerned office staff and other paraphernalia concerned at the hospital, and determine the liabilities, if any, and take appropriate action. The entire exercise shall be completed within a period of three months from the date of receipt of a copy of this order. No costs.

dsr/skmr

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To:

1. The Secretary,

The State of Andhra Pradesh,

Medical and Health Department,

A.P.Secretariat, Hyderabad

2. The Director of Medical Sciences,

Andhra Pradesh, Hyderabad

3. The Superintendent, Area Hospital,

Janagaon, Warangal District

4. Dr.Polli Reddy,

Civil Assistant Surgeon,

Janagaon Area Hospital,

Warangal District

5. Two CCs to the Government Pleader

for Medical & Health, High Court Buildings,

Hyderabad (OUT)

6. Two CD copies.